

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Criminal Action No. 18-14-RGA
	:	
MALIK BROWN.,	:	
	:	
Defendant.	:	

**MEMORANDUM ORDER**

Defendant wrote an email on May 5, 2020. (D.I. 42). It has the words “compassionate release” in it and says that he qualifies for home confinement.

It appears that Mr. Brown is incarcerated at FCI Danbury with a release date of Feb. 25, 2022.

The email says that he has asthma. I checked his PSR of October 9, 2019 (D.I. 35) and under “physical condition,” it says nothing about asthma. Other than a traumatic event that is no longer relevant, the PSR says “he otherwise feels healthy and is not taking any medications.” (D.I. 35 at 20).

The Government does not address Defendant’s physical condition, as the Government’s view is that he has not met the exhaustion requirement of the statute because he has not made an administrative request for compassionate release. (D.I. 44). In light of the Government’s factual representation, and the lack of any contrary representation by Defendant, I think the Government is right.

Thus, to the extent the letter (D.I. 42) is construed as a motion, it is dismissed for lack of jurisdiction. The dismissal is without prejudice to renewal should the jurisdictional prerequisites be met.

IT IS SO ORDERED this 13<sup>th</sup> day of July, 2020.

/s/ Richard G. Andrews  
United States District Judge